*****

In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 30.11.2006.

Jaspal Singh .... Petitioner.

vs

Malkiat Kaur .....Respondent.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.K.K.Bansal,Advocate,for the petitioner.

*Kiran Anand Lall, J.*

In a petition filed against the petitioner under Section 13 of the Hindu Marriage Act, the trial court has awarded maintenance pendente- lite, at the rate of Rs.1200/- per month, to the respondent-wife and Rs.900/- for the minor son of the parties.

The petitioner-husband has felt aggrieved with the impugned order dated 23.10.2006 vide which maintenance pendente-lite at the above rate has been awarded.

The petition deserves to be dismissed in limine, for the simple reason that the petitioner is working as a carpenter and is an able bodied person. According to the respondent, he sells milk also, and his monthly income from his profession as a carpenter, and sale of milk, is Rs.15,000/-. She supported her averments in this regard, by her duly sworn and attested affidavit. The petitioner, however, could not dare to file an affidavit to counter any of the contents of her affidavit, nor could he otherwise show that he had no source of income.

Since, undisputedly, the petitioner is working as a carpenter,

*****

and the sworn affidavit of the respondent to the effect that his monthly income from his profession as a carpenter and by sale of milk is Rs.15,000/- per month, has remained un-rebutted, nothing wrong can be found with the impugned order.

Dismissed.

30.11.2006. (Kiran Anand Lall)
vs. Judge.